

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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March 27, 2017

Mr. James Irving Dale
MINNESOTA DEPARTMENT OF CORRECTIONS
127206
1101 Linden Lane
Faribault, MN 55021-6400

RE: 16-4542 James Irving Dale v. CBM Correctional Food Services, et al

Dear Mr. Dale:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. This court strictly enforces the 14 day period. **No grace period for mailing is granted** for pro-se-filed petitions. A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

Michael E. Gans
Clerk of Court

JPP

Enclosure(s)

cc: Mr. Joseph A. Haas

District Court/Agency Case Number(s): 4:16-cv-04133-RAL

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 16-4542

James Irving Dale

Plaintiff - Appellant

v.

CBM Correctional Food Services; Darin Young, Warden at South Dakota State Penitentiary, in his individual and official capacity; Robert Dooley, Warden at MDSP and Director of Prison Operations for South Dakota Department of Corrections, in his individual and official capacity;

Barry Schroeter, CBM Correctional Food Services Director at MDSP, in his individual and official capacity; John Twierweiller, CBM Correctional Food Services District Manager, in his individual and official capacity; Kevin Twierweiller, CBM Correctional Food Services Director at SDSP, in his individual and official capacity; Brandon Knutson, Unit Coordinator at SDSP, in his individual and official capacity; Derrick Glaser, Unit Coordinator at SDSP, in his individual and official capacity; Elizabeth Vitetta, Unit Coordinator at SDSP, in her individual and official capacity; Melissa Maturan, Administrative Remedy Coordinator, in her individual and official capacity; Sharon Chinn, CBM Correctional Food Services Employee at SDSP, in her individual and official capacity; Unknown Department of Corrections Staff; Unknown CBM Correctional Food Services Employees

Defendants - Appellees

Appeal from U.S. District Court for the District of South Dakota - Sioux Falls
(4:16-cv-04133-RAL)

JUDGMENT

Before WOLLMAN, MURPHY and COLLOTON, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See [Eighth Circuit Rule 47A\(a\)](#).

March 27, 2017

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans